Standing Committee on Commerce, on the Coffee (Amendment) Bill, 1997.

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## REPORT OF THE STANDING COMMITTEE ON FINANCE

SHRI SOMPAL (Uttar Pradesh): Madam, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Standing Committee on Finance:—

(I) Ninth Report of Standing Committee on Finance (Tenth Lok Sabha) on Action taken by Government on the recommendations contained in their Fourth Report (Tenth Lok Sabha) on the working of Public Sector Banks.

(II) Eleventh Report of Standing Committee on Finance (Tenth Lok Sabha) on action taken by Government on recommendations contained in the Fifth Report (Tenth Lok Sabha) on Demands for Grants (1994-95) of Ministry of Finance.

## THE DELHI RENT (AMENDMENT) BILL, 1997

THE DEPUTY CHAIRMAN: Bill for introduction. Dr. U. Venkateswarlu.

THE MINISTER OF STATE OF THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DR. U. VENKATESWARLU): Madam, I beg to move for leave to introduce a Bill to amend the Delhi Rent Act, 1995.

*The question was proposed.*

SHRI S.B. CHAVAN (Maharashtra) Madam, I would like to say something at the stage of introduction itself.

THE DEPUTY CHAIRMAN: Yes.

SHRI SB. CHAVAN: The problem would like to bring to the notice of the House is that this is an amended Bill. The original Bill which was passed by both the Houses of Parliament and which was assented to by the President almost one-and-a-half years back, was held up for reasons we are not aware of as to what the reasons were, as to why it was held up. And now, with some more amendments you are trying to come to the House and trying to introduce it. We are objecting to it. First you have to give an explanation as to why notification for enforcing the Bill which was okayed by the President one-and-a-half years back was not issued.

DR. U. VENKATESWARLU: Madam, it is not a secret and the development are known to everybody. After the Bill was assented to on 23rd August, 1995...

THE DEPUTY CHAIRMAN: If we can have a little silence because the Ministry had an accident and he cannot come to the front. So, we are asking him to speak from there. The mikes are not very good at the back. Let us hear the Minister.

DR. U. VENKATESWARLU: Madam, after it was assented to, there were several representations from the two interested parties i.e., both landlords and tenants in Delhi on this particular aspect. Based on representations that had been made, the then Chief Minister of Delhi had also requested the Government to withhold it till such time an expression from all parties came up. Accordingly, Madam, the then Chief Minister of Delhi, Shri Madan Lai Khurana, called for an all-party meeting and the all-party meeting gave certain recommendations and these recommendations are to be incorporated in the Bill. Later on, more than 4,000 representations from different sections were lodged with the Ministry and the Ministry thoroughly examined all these. Based on the recommendations of the all-party meeting and also based on representations that had been received and examined, it was thought that certain aspects were to be amended.

Madam, this is the reason for delay.

Madam, the second question is whether a Bill assented to can be amended before it is notified. It is not a new thing. Madam, I will cite one example where it has been done earlier. There is a precedent in this House itself, in this Parliament itself, when an Act was amended before it was brought into force. An Act passed by the Parliament and assented to by the President can be amended before it is brought into force. In the past this was done in the case of legal Services Authorities Act, 1987 (No. 39 of 1987). This Act was amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994) and it was brought into force with effect from 9,11.1995 only after futher amendments. It is not a new thing. Even after a Bill is assented to by the President, the Parliament has got powers to once again to through its various provisions and them amend it. Finally the final version of the amended Act can be notified. So it is only a compromise formula with an intention to protect the interests of both the groups, that is, the tenants and the landlords. That is why this delay has taken place. After a thorough examination, once again, with certain amendments, I have come before the august Parliament for leave to introduce the Bill and then pass it.

SHRI NILOTPAL BASU (West Bengal): Madam, I want to seek one clarification .....*(Interruptions)*....

THE DEPUTY CHAIRMAN: No clarifications..... *(Interruptions)*.... It is not a statement on which you can seek clarifications..... *(Interruptions)*.... Mr. Chavan has raised on objection. Before I give leave to the Minister or the House gives leave to the Minister to introduce this Bill, hon. Member has a right to seek a clarification. He is seeking a clarification whether this Bill which had been passed by both the Houses of Parliament and which had gone to the President for assent has been brought back to the House. The question here is—I am sure Mr. Chavan is going to say something else—whether this Bill was amended and whether other Bills have been brought back after finding some defects. Were they brought back straight away without implementation? ....*(/(11 err up tions)*....

SHRI S.B. CHAVAN: Madam, the point is first of all, the original Bill was moved by the Government of India. The All-Party Committee which met at the instance of the Chief Minister of Delhi can definitely send suggestions. But, the entire responsibility was of the Government of India. Both the Houses had passed this Bill, the President had assented to the Bill and now we are trying to give a veto power to a Committee which was constituted by the Chief Minister of Delhi. I do not think that it is a correct procedure that we are following. If after the Bill is notified and implemented some amendments were thought necessary later on the Government could have done it. I do not find any justification for stalling the Bill for one and a half years merely because the All-Parly Committee did not agree to what both the Houses had already passed. I do not think it would be a correct procedure. We should not create any awkward precedent. This Bill was assented to by the President and you are not trying to enforce it. It is something not understandable ..... *(Interruptions)*....

SHRI V. NARAYANASAMY (Pondicherry)- What is the fate of the old Bill .....*(Interruptions)* ___

THE DEPUTY CHAIRMAN: Had it been implemented and later on not found proper? ....*(Interruptions)*....

DR. U. VENKATESWARLU: No. ... .*(Interruptions)* __

SHRI AJIT P.K. JOGI (Madhya Pradesh): It is a question of the prestige of both the Houses .....*(Interruptions)*....

SHRI SOM PAL (Utter Pradesh): Other Bills have been amended in the past. ....*(Interruptions)*. .

SHRI AJIT P.K. JOGI: You are trying to introduce this is another shape on the basis of the recommendations made by the All-Party Committee. ... .*(Interruptions)*....

THE DEPUTY CHAIRMAN: Let him finish ....*(Interruptions)*.... Let him answer.

SHRI AJIT P.K. JOGI: There was a Committee consisting of hon. Members from both the Houses. There were 45 Members. The Committee made certain recommendations....*(Interruptions)*.... let me finish ....*(Interruptions)*.... On the basis of the recommendations of those 45 Members, this Bill was enacted. The Bill was passed by both the Houses. The Bill was given assent to by the hon. President and after that for eighteen months you have not implemented it even for a single day and now you are bringing something aboslutely new .....*(Interruptions)*....

**विपक्ष के नेता (श्री सिकंदर बख्त) :** सदर साहिबा **...(व्यवधान)...**

**उपसभापति :** सिकंदर बख्त साहब, आप बोलिए । **...(व्यवधान)...**

Please order ....*(Interruptions)*.... Do not make it a Zero Hour ... .*(Interruptions)*....

SHRI SIKANDER BAKHT: Madam, technically speaking the objection raised by the hon. Shankar Rao Chavan is right.
I just wanted to request you that since Mr. Vijay Kumar Malhotra was associated with that Committee he might be able to throw some light on that.

**प्रो0 विजय कुमार मल्होत्रा** (दिल्ली) **:** महोदया, मुझे इस संबंध में यह कहना है कि यह बात ठीक है कि इसमें कुछ अमैंडमेंटस की जरूरत थी और अमैंडमेंटेंस आने चाहिए थे लेकिन उसमें दो साल लग गये । It is only one-and-a-half years जब यह बिल पास हुआ तो उसके तीसरे दिन से आपके पास सारे आ गये थे । उन बातों को देखने के लिए सात दिन, दस दिन, पंद्रह दिन लगते, पर दो साल तक लगातार दिल्ली में हाहाकार मचाए रखना, टेनेंट और मालिक मकानों में झगड़े करवाते रहना ओर दो साल के बाद यह अमैंडमेंट लाना, मैं समझता हूं कि यह प्रीसीडेंट गलत है कि दोनों हाउस पास कर दे दे और उसके बाद दो साल लगा दें, आप नोटीफाई नही करें और दो साल बाद इसको लाएं । 15 दिन, 20 दिन, 1 महीने में आप अमैंडमेंट ले आते तो भी बात समझ में आती थी कि कोई चीज़ इसमें छूट गयी थी, दोबारा आ जाए, इसलिए लाए है । यह सचमुच में बहुत गलत है कि आगे कोई बिल पास करने के बाद उसको इंप्लीमेंट करने के लिए दो साल तक रोके रखें । यह अमैंडमेंट लानी चाहिए थी । अमैंडमेंट पहले ले आते तो अच्छा था । **...(व्यवधान)...**

**उपसभापति :** अब वह जवाब दे दें । **...(व्यवधान)...** Let him finish ...(Interruptions)...

**श्री त्रिलोकी नाथ चतुर्वेदी** (उत्तर प्रदेश) **:** बिल पास होने के बाद ऐसी और क्या कमियां उनको पता लगी और क्या कारण उन्होंने दिए कि नोटिफिकेशन जारी किया जाए? **...(व्यवधान)...**

THE DEPUTY CHAIRMAN: That is being said ....*(Interruptions)*.... Let him answer first ....*(Interruptions)*.... Please, let him answer first ....*(Interruptions)*.... Gurudasji, let him answer ....*(Interruptions)*.... If you will not allow him to answer, he will get confused what is going on. It will be like a discussion on a Bill.

DR. U. VENKATESWARLU: Madam, this Bill was assented to by the hon. President on 23rd August, 1995. After that this is the third Government. From August, 1995 to May, 1996 the Congress Government was in power. It is this Government which has considered this All-Party meeting's recommendations and also the representations received.

SHRI AJIT P.K. JOGI: This is not an explanation.

DR. U. VENKATESWARLU: After sometime, the BJP was also there in power. After that, for the past 14 months, this Government has come to power. The earlier decisions and policies are carried out by this Government. The United Front Government has taken up the examination of all these recommendations and has brought forth this amendment.

'" THE DEPUTY CHAIRMAN: Then two wrong become one right .... *{Interruptions)....*

DR. U.VENKATESWARLU: It is not like that ....*(Interruptions)....*

**श्री त्रिलोकी नाथ चतुर्वेदी :** अगर कांग्रेस गवर्नमेंट ने **...(व्यवधान)...** उसके बाद आप वाज़िब ढ़ंग से हमारे पास अमेंडमेंट लेकर आ सकते थे। **...(व्यवधान)...**

SHRI AJIT P.K. JOGI: You cannot blame the previous Government ....*(Interruptions)....*

THE DEPUTY CHAIRMAN: What would you like to seek? ....*(Interruptions)....*

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I seek your permission. Here, the point is this is an extremely unusual situation. There is no doubt about it ....*(Interruptions)....* But the point is who has to explain? ....*(Interruptions)....* Because, when the Bill was enacted, it was done by one Government and that Government after getting proper assent from the hon. President, had not implemented it. There was another Government in between which did not implement it. And then there was a third Government. Therefore, there has been inaction but on whose shoulder should the responsibility for not implementing the Act be fixed? .. ..*(Interruptions)....*

THE DEPUTY CHAIRMAN: I think the responsibility is to be fixed on this House. Now, the question is whether leave be granted to introduce the Bill or
not?

SHRI AJIT P.K. JOGI: No, no. SOME HON. MEMBERS: No, no.

THE MINISTER OF INFORMATION AND BROAD CASTING (SHRI S. JAIPAL REDDY): Madam, a senior leader and a vetern parliamentarian like Chavanji ... .*(Interruptions)....*

Madam, a senior leader and a veteran parliamentarian like Chavanji has raised an objection. We give great importance to an objection raised by him. I would like to submit, in all humility, that the objection at the introduction stage can be raised only on constitutional and procedural grounds. I do not see any procedural violation involved in it. Therefore, I request to consider this aspect before the takes the sense of the House.

SHRI S.B. CHAVAN: I would not stall this by a technical objection. You are raising an objection to the objection raised by me.

SHRI S. JAIPAL REDDY: Madam, I am making only a submission. I never intended to object to the objection raised by Shri Chavanji. I am submitting to you for your consideration that objection at the introduction stage can be sustained only on procedural and constitutional grounds and not on the grounds which you have ....*(Interruptions)....*

SHRI S.B. CHAVAN: There are a large number of procedures. I can quote to you. But, still that is not a very good thing. My only point in bringing this matter to the notice of this House is that it will be a totally unacceptable sort of precedent that my friend is trying to create. Whether it is the Congress Government or a later Government, or whichever Government which is trying to bring the Bill, will have to explain as to why they have not enforced the Bill; and why before enforcing it they were trying to bring an amended Bill.

THE DEPUTY CHAIRMAN: It is a technical ground.

SHRI S.B. CHAVAN: You can't merely say that some Committee has recommended it and that is why you want to incorporate the same. You could have done it even after enforcing the Bill.

THE DEPUTY CHAIRMAN: He has to find out why the Bill was not ....*(Interruptions)....* O.K., now I do not want to go into too much of the details.

When we discuss the Bill, we could discuss the merit of the Bill and I am sure Mr. Chavan, at that point of time, will cooperate The question is:

> "That leave be granted to intorudce
> a Bill to amend the Delhi Rent Act,[v]1995."

*The motion was adopted.*

DR. U. VENKATESWARLU: Madam, I introduce the Bill.

**श्री सोमपाल :** महोदया, इसमें भी संशोधन आयेंगे। पहले भी हमने यह देखा है कि दोनों सदनों ने इसको पास किया। उसके बाद भी इसमें ये संशोधन लाने पड़ रहे है। मेरा आपसे और सारे सदन से निवेदन है कि इसको स्थायी समिति को संदर्भित किया जाए। नही तो फिर दुबारा ऐसी चीजें होंगी कि दोनों सदनों में इस पर पूरा विचार न हो और दुबारा फिर इस बिल को यहां लाना पड़े। इसलिए मेरा निवेदन है कि आप इस पर विचार करें।

THE DEPUTY CHAIRMAN: I will see to it ....*(Interruptions)*.... O.K., now let us go ahead ....*(Interruptions)*....

SHRI SATISH AGARWAL (Rajasthan): He has quoted one precedent of 1987. Kindly make it clear that this will not be a precedent for future to be quoted in such circumstances. Let it be made clear from the Chair.

THE DEPUTY CHAIRMAN: First I will have to examine as to what happened to that Bill. What was the reason? Why had the Bill to be brought back to the House? I do not know. After that we will see whether or not it had to go to the Committee.

So, this is a technical matter. Now, we have got the Zero Hour.

## RE. TRAIN ACCIDENT AT OLD FARIDABAD RAILWAY STATION

SHRI VAYALAR RAVI (Kerala): I did not know that the Bill was coming in between. It is a very important matter. Of course, it may not be important these days since it has become a regular occurence. So, it has lost its importance.

....*(Interruptions)*....

Train accidents have become a regular feature.

THE DEPUTY CHAIRMAN: Before that, before I ask you to make a mention of this I would like to inform the House that I have received a letter from Shri Ram Vilas Paswan, the Minister of Railways saying that he is proceeding to the site of the accident at Faridabad. He has asked for permission to make a *suo motu* statement in the House today, i.e. 28th July 1997, after lunch on his return from the site of the accident, regarding the collision between the Karnataka Express and the Himsagar Express which took place last night at Faridabad.

Therefore, the Railway Minister is going to make a statement on this. However, you can make a mention of it now..... *(Interruptions)*....

SHRI VAYALAR RAVI: Madam, every day accidents are taking place. But the Minister has time only for politicking. If he cannot run the Ministry let him get out. People are dying every day. During the last month, Madam a number of major derailments have taken place in Kerala. As passengers travelling in Kerala, we know about it. These accidents have become a regular feature now. Every day, people are dying. But the Minister seems to have no time to look into this. He has time only for politicking. He could be a Minister for Politicking. Why did you make him the Minister of Railways?

THE DEPUTY CHAIRMAN: Mr. Vayalar Ravi all Indians are travelling in trains. Not only the peopl of Kerala.

SHRI VAYALAR RAVI: He has no time for his Ministry. He has time only for politicking. Everytime when an accident takes place, he announces an *ex gratia* of Rs. one lakh- But Madam can we purchase a human life for Rs. one lakh? This is the most irresponsible way